

**EXECUTIVE ORDERS, PROCLAMATIONS OF  
GENERAL APPLICABILITY, AND STATEMENTS  
ISSUED BY THE GOVERNOR  
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

**EXECUTIVE ORDER 96-6**

**ESTABLISHMENT OF OZONE STRATEGIES TASK  
FORCE**

WHEREAS, the Phoenix metropolitan area has been designated as a "moderate" nonattainment area for ozone pollution by the U.S. Environmental Protection Agency pursuant to the Clean Air Act Amendments of 1990; and

WHEREAS, under the 1990 Amendments, "moderate" ozone nonattainment areas must demonstrate that they have met the ozone standard by avoiding violations in 1995 and 1996; and

WHEREAS, the Phoenix metro area experienced 26 exceedances of the ozone standard in 1995; and

WHEREAS, ozone violations result in unhealthful conditions, with threats to the well-being of children, the elderly, and individuals with pre-existing respiratory conditions; and

WHEREAS, reclassification of the Phoenix area to a "serious" classification will result in serious and costly limitations on new economic development and economic expansion; and

WHEREAS, the Department of Environmental Quality, in cooperation with the U.S. Environmental Protection Agency and other agencies, is developing a Voluntary Ozone Reduction Plan to avoid classification of the Phoenix area to a "serious" classification; and

WHEREAS, avoidance of additional violation of the ozone standard through the implementation of new pollution reduction measures will improve the health of area citizens and avoid a "serious" classification of the Phoenix area.

NOW, THEREFORE, I, Fife Symington, by virtue of the authority vested in me as Governor of the state of Arizona by the Constitution and Laws of the state, do hereby establish the Ozone Strategies Task Force:

1. By July 1, 1996, identify strategies which can be implemented in the summer of 1996 to avoid violations of the ozone standard and means to implement these measures.
2. By November 15, 1996, identify strategies to further reduce ozone violations in 1997 and subsequent years.
3. Solicit and receive comments on these strategies from citizens, governmental agencies, and other affected persons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON  
Governor

DONE at the Capitol in Phoenix this twenty-

fourth day of May in the Year of Our Lord One Thousand Nine Hundred and Ninety-six and of the Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL  
Secretary of State

**AIR POLLUTION EMERGENCY PROCLAMATION**

WHEREAS, Maricopa County is classified as a "moderate" ozone nonattainment area under the 1990 Clean Air Act Amendments, which require the area to adopt an air quality plan that reduces VOC emissions by 15% by 1996 and to attain the National Ambient Air Quality Standards ("NAAQS") for ozone by November 15, 1996; and

WHEREAS, monitoring data from the Department of Environmental Quality ("ADEQ") indicates that the Maricopa County nonattainment area had 26 ozone exceedances, with 6 of those exceedances recorded at a single monitoring site, and 7 sites had more than 1 exceedance during the 1995 ozone season (June 1st through September 30th); and

WHEREAS, the 1995 ozone exceedances may prevent the Maricopa County nonattainment area for ozone from becoming an attainment area by November 15, 1996, and these exceedances place the Maricopa County nonattainment area in jeopardy of becoming a "serious" nonattainment area for ozone, unless the area records no more than 1 exceedance per year per monitoring site in 1996, 1997, and 1998; and

WHEREAS, the consequences of becoming a "serious" nonattainment area include significant costs that will negatively impact many sectors of the economy; and

WHEREAS, ozone is a severe irritant that can damage lung tissue, make people more susceptible to respiratory infections, aggravate respiratory disease and is especially harmful to children who are more vulnerable to ozone's harmful effects; and

WHEREAS, because of the known harmful effects of ozone, exceedances of the NAAQS for ozone increase the risk to the public health, safety, and welfare; and

WHEREAS, the sale of gasoline containing quantities of certain VOC causing constituents in amounts greater than 1990 levels could increase tailpipe emissions of VOC from automobiles further placing the Maricopa County nonattainment area in jeopardy of becoming a "serious" nonattainment area for ozone; and

WHEREAS, the regular survey of gasoline conducted by the Motor Vehicle Manufacturers Association of Maricopa County has shown that these VOC causing constituents in gasoline have increased above 1990 levels and that there is a potential that the levels of

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these constituents could remain above 1990 levels; and

WHEREAS, the director of ADEQ has determined that there is a strong likelihood of multiple exceedances of the NAAQS for ozone in 1996 unless additional measures are taken to reduce VOC emissions and the director has communicated this determination to the Governor by letter dated May 23, 1996;

NOW, THEREFORE, I, Fife Symington, by virtue of the authority vested in me as Governor of the State of Arizona by the Constitution and Laws of the state, do hereby proclaim the existence of an air pollution emergency pursuant to A.R.S. § 49-465 and further order and direct that:

1. On the 15th day of each month, commencing June 15, 1996, and terminating October 15, 1996, gasoline refiners and other suppliers of fuel that is supplied or sold and intended as a final product for the fueling of motor vehicles within the Maricopa County ozone nonattainment area, shall report to the Director of the Department of Weights and Measures the levels of sulfur, T-50 and T-90 contained in such fuel shipped to Maricopa County during the preceding month. The report shall be prepared on a form approved by the Director of the Department of Weights and Measures.
2. The Director of the ADEQ and the Director of the Department of Weights and Measures shall cooperate to enforce the provisions of paragraph 1 of this order.
3. The Director of the ADEQ shall review the reports required pursuant to paragraph 1 of this order to determine whether: a) Arizona should file a request with the U.S. Environmental Protection Agency to opt in to the federal reformulated gasoline program, as provided in the federal Clean Air Act; or b) appropriate steps should be taken to require that gasoline supplied or sold during any ozone season that is intended as final product for the fueling of motor vehicles in the Maricopa County ozone nonattainment area shall not exceed 116 parts per million of sulfur, 50% distillation (T-50) of 220° F and 90% distillation (T-90) of 339° F and whether the Director of ADEQ shall submit to the U.S. Environmental Protection Agency amendments to the State Implementation Plan (SIP) to assure that the SIP is amended to reflect these gasoline quality specifications.
4. The Director of the ADEQ shall revise the existing Air Pollution Emergency Plan to include procedures to implement this order and any future order declaring an air pollution emergency where the Director of the ADEQ has notified the Governor of the likelihood or actual exceedance of the NAAQS for ozone.
5. Commencing June 1, 1996, and continuing through September 30, 1996, 85% of the employees of this state and 75% of the employees of Maricopa County and municipalities in the Maricopa County nonattainment area shall be required to participate in 1 of the following programs:
  - a. Work schedules that avoid a workday that begins between 7:30 a.m. and 8:30 a.m., or concludes between 4:30 p.m. and 5:30 p.m.
  - b. A compressed work schedule such as 4 10-hour days or a 9 day 80-hour pay period.
  - c. Travel to and from work by alternative mode, including bus, car pool, vanpool, or bicycle.

6. Commencing June 1, 1996, and continuing through August 15, 1996, 85% of the employees of public education institutions in the Maricopa County nonattainment area shall be required to participate in 1 of the programs listed in paragraph 5.
7. The Director of the ADEQ shall encourage private employers to prohibit, restrict, or limit their employees vehicle emissions in accordance with any plan or work rules the private employer may have implemented.
8. The provisions of this order shall not apply to the use of gasoline incidental to a motor vehicle manufactures proving ground or motor vehicle racing event held in the Maricopa County nonattainment area.

IN WITNESS THEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

FIFE SYMINGTON  
Governor

DONE at the Capitol in Phoenix this twenty-fourth day of May in the year of Our Lord One Thousand Nine Hundred and Ninety-six and of the Independence of the United States of America the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL  
Secretary of State

**EMERGENCY PROCLAMATION**

WHEREAS, precipitation throughout the state of Arizona during the past winter was the least ever recorded; and

WHEREAS, the lack of precipitation has significantly reduced surface and ground water supplies upon which citizens and commerce of the state are dependent; and

WHEREAS, the lack of water has created drought conditions throughout rural areas of the state with no near term relief; and

WHEREAS, the drought endangers the crops, property, and livestock of a considerable number of the citizens throughout the state of Arizona; and

WHEREAS, these conditions are causing a severe hardship on effected political subdivisions of the state by exhausting their available resources to alleviate water shortage problems;

NOW, THEREFORE, I, Fife Symington, Governor of the state of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the state, do hereby determine that a declaration of emergency effective June 3, 1996, is justified, and I hereby:

- a. Allocate the sum of \$200,000 from the General Fund to the Director of the Division of Emergency Management to be expended in accordance with established procedures contained in A.R.S. § 35-192, A.A.C. R18-2-33 through R18-2-39, and Executive Order 79-4.

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- b. Activate the State Emergency Operations Plan and envoke provisions of A.R.S. § 26-309 to provide mutual aid assistance to stricken areas of the state.
- c. Authorize the Adjutant General to mobilize and call to active duty all or such part of the National Guard as is determined necessary to assist in the protection of life and property in rural areas of the state.
- d. Establish an incident period to begin on June 3, 1996.

IN WITNESS WHEREOF, I have hereunto set  
my hand and caused to be affixed the Great  
Seal of the State of Arizona.

FIFE SYMINGTON  
Governor

DONE at the Capitol in Phoenix this seventh  
day of June in the year of Our Lord One Thou-  
sand Nine Hundred and Ninety-six and of the  
Independence of the United States of America  
the Two Hundred and Twentieth.

ATTEST:

JANE DEE HULL  
Secretary of State